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14 *Leslie Healer, Agnes Horn, Felix Kreskey,*
15 *Grant Luce, Jack Palmer, Rex Reed,*
16 *Melissa Travis, Lisa Walsh, Adam Watson,*
17 *Kenneth Webb, and Jonathan Wilson*

10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 MAX REED II,
14 Plaintiff,
15 vs.
16 NEVADA DEPT. OF CORRECTIONS, et al.,
17 Defendants.

Case No. 3:14-cv-00313-MMD-VPC

18 **DEFENDANTS' MOTION FOR**
19 **ENLARGEMENT OF TIME TO FILE**
20 **DISPOSITIVE MOTION**
21 **(SECOND REQUEST)**

22 Defendants, Renee Baker, Harold Byrne, James Cox, Leslie Healer, Agnes Horn, Felix Kreskey,
23 Grant Luce, Jack Palmer, Rex Reed, Melissa Travis, Lisa Walsh, Adam Watson, Kenneth Webb and
24 Jonathan Wilson, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada,
25 and Benjamin R. Johnson, Deputy Attorney General, hereby move for a second enlargement of time to
file a dispositive motion. This Motion is based on the following Memorandum of Points and Authorities
and all papers and pleadings on file in this case.

26 This Motion is based on the following Memorandum of Points and Authorities and the papers and
27 pleadings on file herein.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. LAW AND ARGUMENT

This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff Max Reed (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC), housed at Southern Desert Correctional Center. Following screening of his complaint, Defendants filed an Answer on November 30, 2015. The Court issued a scheduling order (ECF No. 104 & 111) and the parties participated in discovery. On January 30, 2018, the Court issued an order setting the deadline for dispositive motions for May 1, 2018. (ECF No. 174).

Counsel previously requested an enlargement of time to file a motion for summary judgment due to preparation for an evidentiary hearing in another case. Since that time, another Deputy Attorney General left the Litigation Division and his cases had to be reassigned. Some of those cases had immediate deadlines that required the undersigned to stop working on the motion for summary judgment in order to meet those deadlines. Counsel needs a short extension of time complete a dispositive motion and finalize the exhibits.

FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The proper procedure, when additional time for any purpose is needed, is to present a request for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947).

Defendants seek an enlargement of time to file a motion for summary judgment. Good cause exists to extend the time to file this motion. Plaintiff will not be prejudiced by a small enlargement of time to file the motion. This request is made in good faith and is not for the purposes of delay. Defendants request an extension of ten days to file a Motion for Summary Judgment.

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II. CONCLUSION

Based on the foregoing, Defendants respectfully request their motion for enlargement of time is granted and the deadline for filing a motion for summary judgment be extended ten (10) days up to and including June 1, 2018.

DATED this 22nd day of May, 2018.

ADAM PAUL LAXALT
Attorney General

By: Benjamin R. Johnson
BENJAMIN R. JOHNSON
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division

Attorneys for Defendants

APPROVED AND SO ORDERED:

U.S. MAGISTRATE JUDGE

DATED: May 30, 2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 22nd day of May, 2018, I caused a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTION (SECOND REQUEST)**, to be served, by U.S. Mail, postage prepaid and addressed to the following:

Max Reed, #1068078
Southern Desert Correctional Center
P. O. Box 308
Indian Springs, NV 89070

Paul Penny
An employee of the
Office of the Attorney General